

# ***City Council Meeting Minutes***

**March 21, 2017  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

***City Council:***      ***Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan  
Councilmember Dennis Maloney  
Councilmember Ashley Stolzmann***

***Staff Present:***      ***Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Joe Stevens, Director of Parks & Recreation  
Kathy Martin, Recreation Superintendent  
Rob Zuccaro, Director of Planning & Building Safety  
Kristin Dean, Principal Planner  
Lauren Trice, Planner II  
Meredyth Muth, City Clerk***

***Others Present:***      ***Sam Light, City Attorney***

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance led by Ms. Hunter's 1<sup>st</sup> grade class from Coal Creek Elementary School.

## **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Scott Simkus, 941 West Maple Court, stated he met with the Historic Preservation Commission (HPC) to discuss his hope to preserve the Hecla Casino. He stated the HPC is supportive of the preservation. He noted he was in attendance this evening to reaffirm the urgency of the need as the building must be moved by July or August.

RJ Harrington, 457 East Raintree Court, stated his support for the Partnership in Energy program in which the City is participating with Xcel Energy.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Leh. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: March 7, 2017***
- C. *Approve Special Meeting for April 3 at 6PM for Interviews of Applicants for the Business Retention & Development Committee***
- D. *Resolution No. 15, Series 2017 – A Resolution Approving the Open Space Advisory Board's Recommendation to Boulder County Parks and Open Space Regarding 2017 Property and Trail Requests***

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

None.

### **CITY MANAGER'S REPORT**

City Manager Fleming stated the patios on Main Street will be placed in May, they cannot go out earlier due to the possibility of snow.

### **REGULAR BUSINESS**

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### **RECREATION SENIOR CENTER AND MEMORY SQUARE RENOVATION AND EXPANSION PROJECT**

#### **1. PROJECT UPDATE**

Director Stevens stated the voters approved the \$28.3M bond election in November and staff is working on the project. He introduced Chris Kastelic of Sink Combs Dethlefs Architects. Mr. Kastelic reviewed the project and the preliminary design process. He highlighted the different sections of the expanded recreation center facility and updates to Memory Square Pool. He noted the original idea was to renovate the pool house at Memory Square but the current plan is to demolish the pool house and rebuild it.

Mr. Kastelic reviewed the various sustainability initiatives that are being incorporated into the project including: water efficiency; insulation; high efficiency lighting and HVAC; renewable resources; recycled materials; and limited environmental disruption on the site. They continue to evaluate sustainable options for the building including solar panels, solar hot water, micro turbines, and geothermal heating. He reviewed the timeline noting the target opening of the expanded Recreation Center in the fall/winter of 2018.

Mayor Pro Tem Lipton stated the goal of Council is to make good on promises to the public to include all of the program elements the task force committed to in November at the price committed to. He is hopeful the final design will meet LEED Gold standard.

RJ Harrington, 457 East Raintree Court, stated he attended the Sustainability Advisory Board (SAB) meeting when they reviewed the sustainable plans. He feels the project is moving in the right direction. He stated residents want to be confident that in the long-term the operations and maintenance (O&M) will not exceed the budget. He asked that the long-term O&M costs be considered along with program and cost efficiencies for the new building.

Jean Morgan, 1131 Spruce Street, asked if the changes to the memory square pool house will include full walls in the locker rooms.

Mr. Kastelic stated the pool house is currently designed to have walls that are 9 foot 8 inches but not reach the ceiling. The design is meant to keep the air flowing in the facility. It is designed to be a summer facility, but they will take the comments into consideration.

## **2. AWARD CONTRACT TO SAUNDERS CONSTRUCTION FOR PRE-CONSTRUCTION MANAGEMENT/GENERAL CONTRACTING SERVICES FOR THE LOUISVILLE RECREATION SENIOR CENTER AND MEMORY SQUARE POOL RENOVATION AND EXPANSION**

Mayor Pro Tem Lipton recused himself from the item as he has relatives who work for one of the respondents not recommended to the contract. He recused himself and left the room.

Director Stevens stated staff published a Notice of Request for Proposal (RFP) and an invitation to submit qualifications and project details for Louisville Recreation Senior

Center & Memory Square Renovation and Expansion. Staff recommends moving forward with the Construction Management General Contractor (CM/GC) with Saunders Construction to provide Pre-Construction Phase Services for the Recreation Senior Center & Memory Square Swimming Pool Renovation and Construction.

Director Stevens noted the final contract is not quite complete. He asked Council to consider approving the contract subject to staff and the City Attorney finalizing the details.

Attorney Light added they are close on the language but need a bit more time to finalize it. The action tonight does not address the Guaranteed Maximum Price of the contract. That will be completed at a later City Council meeting. This contract does not give the authority to proceed with construction, just pre-construction services.

Justin Cooper, Vice President for Saunders Construction, gave a bit of information about the company and their experience in building recreation centers while keeping the facility open and functional. He also highlighted the company's sustainability work.

Councilmember Maloney asked Director Stevens why Saunders was chosen if they were not the low bidder. Director Stevens noted there were two parts to the evaluation. Four firms were interviewed and all were well qualified. The review panel unanimously chose Saunders based on the breadth and depth of their experience and two key areas: sustainability and how they can phase the project and keep the facility open during construction. Additionally, they brought a great team to the project with experience and they have familiarity with the facility and this community.

Councilmember Maloney asked about Saunders' references. Director Stevens stated the references had great things to say about Saunders ability to address problems and work with staff. Councilmember Maloney asked what kind of contingency is normal for a project of this size. Anthony Nemec, construction project manager for Dunakilly, stated it is generally about 6%.

City Manager Fleming noted Saunders has completed over 20 recreations centers in Colorado so they have directly relevant experience.

Councilmember Stolzmann noted some areas of the contract she would like specific attention paid to during negotiations.

Councilmember Maloney made a motion to approve the agreement with Saunders Construction, LLC in the amount of \$57,000 for Pre-Construction Services related to the Louisville Recreation Senior Center & Memory Square Swimming Pool project, and authorize the Mayor and City Manager to negotiate and approve final revisions to the agreement and general conditions; Mayor Muckle seconded the motion. Roll call vote: **Yes:** Mayor Muckle, Council Member Loo, Council Member Stolzmann, Council

Member Keany, Council Member Leh, Council Member Maloney. **Recused:** Mayor Pro Tem Lipton. Motion passed

**3. ORDINANCE NO. 1735, SERIES 2017 – AN EMERGENCY ORDINANCE  
AUTHORIZING THE ISSUANCE OF CITY OF LOUISVILLE, COLORADO  
LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2017 –1<sup>ST</sup> AND  
FINAL READING – PUBLIC HEARING – Adoption as Emergency Ordinance**

Attorney Light introduced the ordinance by title noting this is an emergency ordinance.

Mayor Muckle opened the public hearing.

Director Watson stated this Ordinance authorizes the issuance of the bonds to fund the improvements of the Recreation Center and Memory Square Expansion Project. He introduced Jim Manire, the municipal advisor for the bond transaction. Mr. Manire stated they have been carefully watching the interest rates. The ballot language allowed for some variance in the bond but interest rates are rising. This is an emergency ordinance in order to grant the authorization for issuance as quickly as possible. We are currently experiencing a rising interest rate environment and we believe it is in the best interest of the City not to delay the issuance of the bonds to minimize interest rate risks. The City is currently in the process of getting a bond rating from Standard and Poor's. The hope is to be able to market the bonds in two weeks.

Mayor Pro Tem Lipton asked why the advisors are recommending the bonds be sold at a premium. Mr. Manire stated this should create a higher demand for the bonds. Mayor Pro Tem Lipton asked if Louisville residents would be able to purchase bonds. Mr. Manire stated local retail investors will get priority. Mayor Pro Tem Lipton asked staff to advertise this purchase option for residents.

Councilmember Maloney stated his concern that the higher interest rate may mean the City can't build under the cap set by the ballot. Mr. Manire stated that if there is another one-quarter percent rise in rates that could be a concern. He stated the target interest rate is 4%.

Public Comments – None

Mayor Muckle closed the public hearing.

Councilmember Maloney moved to approve Ordinance Number 1735; Councilmember Loo seconded the motion. Motion carried by unanimous roll call vote.

**ORDINANCE NO. 1734, SERIES 2017 – AN ORDINANCE APPROVING THE  
VACATION OF A 10 FOOT WIDE DRAINAGE EASEMENT ON LOTS 1, 16, and 17,  
BLOCK 2, COLORADO TECHNOLOGICAL CENTER, FILING NO. 1 – 2<sup>nd</sup> READING  
– PUBLIC HEARING (advertised *Daily Camera* 3/12/17)**

Attorney Light introduced the ordinance by title noting this is a second reading.

Mayor Muckle opened the public hearing.

Planner Dean stated the applicant, is requesting the City vacate a 10-foot wide drainage easement located at 637 Pierce Avenue (Lot 16), 667 Pierce Avenue (Lot 17) and 674 S. Arthur Avenue (Lot 1). The drainage easement is a part of the Colorado Technological Center, First Filing Plat. She stated a storm drain pipe is located within the subject drainage easement. However, stormwater on Lots 16, and 17 flows towards Pierce Avenue; and therefore, drainage from these lots is not facilitated through this storm drain pipe. Because the pipe on Lot 1 does not collect water from other properties, Public Works determined that the pipe can be privately maintained. Planner Dean stated Staff finds that that the project meets all applicable development requirements and recommends approval with no conditions.

Public Comment – None.

Mayor Muckle closed the public hearing.

Councilmember Keany moved to approve Ordinance No. 1734, Series 2017;  
Councilmember Loo seconded the motion. Motion carried by unanimous roll call vote.

**RESOLUTION NO. 16, SERIES 2017 – A RESOLUTION APPROVING A FINAL  
PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW FOR A 40,383 SQUARE FOOT  
FLEX SPACE BUILDING ON A 3.64 ACRE PROPERTY ZONED INDUSTRIAL; LOT  
1, BLOCK 1, PARK AT CTC**

Planner Dean stated the applicant proposes a Final Planned Unit Development (PUD) for a 40,383 square foot flex building on a 3.64-acre property zoned Industrial. The property is located at Lot 1, Block 1, Park at CTC. The property is not subject to a General Development Plan but it is subject to the Industrial Development Design Standards and Guidelines (IDDSG).

Planning Commission approved with four conditions, two have been met.

Planner Dean stated staff recommends approval with the following conditions:

1. Prior to acceptance of constructed improvements for the site, a 4-foot maintenance easement for the sidewalk adjacent to the west right-of-way line of Dogwood Street shall be recorded.
2. Prior to acceptance of constructed improvements for the site, an easement for access and maintenance of the drainage easement area along the western edge of the property shall be recorded.

Josh Heiney, 1855 South Pearl Street Denver 80210, representing the applicant, stated this is their second project in the CTC. This project includes enhanced building design and energy efficiency; they feel it will be a good contribution to the CTC.

Public Comments - None

Attorney Light noted the resolution was amended to move the conditions to the final paragraph.

Mayor Muckle closed the public hearing.

Councilmember Loo moved to approve Resolution No. 16, Series 2017; Councilmember Stolzmann seconded the motion. Motion carried by unanimous voice vote.

**RESOLUTION NO. 17, SERIES 2017 – A RESOLUTION AMENDING THE 2017 BUDGET BY AMENDING APPROPRIATIONS IN THE GENERAL FUND, OPEN SPACE & PARKS FUND, CEMETERY FUND, HISTORIC PRESERVATION FUND, WATER UTILITY FUND, WASTEWATER UTILITY FUND, STORM WATER UTILITY FUND, SOLID WASTE & RECYCLING FUND, AND GOLF COURSE FUND – PUBLIC HEARING (advertised *Daily Camera* 3/17/17)**

Mayor Muckle opened the public hearing.

City Manager Fleming stated this amendment accommodates the revised account structure in our new accounting system.

Public Comments – None'

Councilmember Stolzmann stated finance Committee reviewed this amendment and noted these are all administrative changes to the allocations just to make the implementation of the program budget easier to administer. It does not make any financial changes to the 2017 budget.

Mayor Muckle closed the public hearing.

Councilmember Maloney moved to approve Resolution No. 17, Series 2017; Councilmember Loo seconded the motion. Motion carried by unanimous roll call vote.

**DISCUSSION/DIRECTION/ACTION – PROPOSAL FOR THE PRESERVATION OF THE LEE AVENUE MINERS CABINS**

Planner Trice stated this is a proposal to relocate two cabins to the Nawatny Greenway. Staff is looking for direction on whether to move forward on an assessment of these two structures to determine the feasibility of the move and the cost associated with that.

Justin McClure, 1002 Griffith Street, representing the owner Michael McAlpine, stated DELO is currently under construction and they have a location in the Nawatny Greenway to which the cabins can be located. He stated it is a policy decision of whether or not the City wants to have these relocated to a City property.

Tom Rafferty, 945 Rex Street, stated anything that can be done to maintain the history of Louisville will also maintain its charm. He stated his support for saving the cabins in their current neighborhood rather than moving them to the new development in DELO. He would like to see one moved to the Highway 42 and Pine Street gateway and one relocated near Miner's Field and rehabilitated.

Jean Morgan, 1131 Spruce Street, stated her support for saving the cabins. She would like the cabins relocated to a more visible spot such as the Highway 42 and Pine Street gateway. She would like one relocated to Miner's Field. Additionally, she suggests considering moving one to the John Breaux Park on Front Street. She noted she has sent Council a petition showing residents' support for saving the cabins. These locations would leave the cabins in the Old Town Overlay so they would be able to receive funding from the Historic Preservation Fund (HPF). She stated a refurbished cabin would be a great resource to the City.

Steve Poppitz, 1036 Walnut Street, stated he supports the preservation of the history of the neighborhood. He would like to see the cabins preserved in the Miner's Field neighborhood.

John Leary, 1116 Lafarge Avenue, stated his support for saving the cabins and asked the City to look at all options for relocating the cabins. He prefers they be kept in the neighborhood.

Randy Caranci, 441 Elk Trail, Lafayette, stated his support to save the cabins to maintain the history of Louisville.

Councilmember Leh stated these cabins are an authentic connection with the coal mining history of Louisville. He noted the question is whether the City should fund the Historic Structure Assessment (HSA) to find out if they can even be moved. He supports the City funding the HSA to see if it is feasible. Mayor Muckle agreed.

Councilmember Stolzmann stated perhaps the Historic Preservation Commission (HPC) should weigh in on this. She would like to know from them 1) would they recommend spending HPF funds on the HSA and 2) do they have a recommendation on if they should be moved to a City property. If yes, should HPF funds be used for the move.

Councilmember Leh noted his concern this would slow down the process. He would like to keep the process moving, particularly as the cost is very low, less than \$3000. He doesn't want process to get in the way of preservation for such a small amount of money. Mayor Muckle agreed.



Mayor Muckle stated once the HSA is complete and we have information about what a move would cost and if they can be moved, then the HPC could be involved.

Councilmember Loo asked why if the owner is not interested in doing an HSA how one can be done without his approval. She noted she thought an HSA is tied to landmarking which it is not in this case.

Director Zucarro stated that in working with the applicant the owner was willing to do an HSA but not using HPF funds which could lead to a probable cause determination for landmarking. The owner would like an HSA done outside of the scope of the HPF. Planner Trice stated that a probable cause for landmarking doesn't require a site to be landmarked.

Councilmember Loo stated she is not supportive of paying for the HSA from the General Fund when we have the HPF for these sorts of items.

Mayor Pro Tem Lipton stated his concern that in the end the City will be paying \$50,000 to rehabilitate these cabins and make them presentable. This is exactly what the HPF is designed for. He doesn't see the need to spend General Fund money on this. He is concerned this will lead to more requests to spend general fund money on saving buildings and he is not sure where it would end. He wondered how many more buildings are outside of the Old Town Overlay for which people might ask for funds.

Councilmember Maloney stated if an HSA is done it should include finding out what the long-term costs will be to preserve and rehabilitate the cabins.

Councilmember Keany stated he supports saving the cabins somehow and leaving them in the Old Town Overlay would be his preference so the HPF can be used for the rehabilitation costs.

Mayor Muckle asked if the HPF funds can be used without requiring the property owner to landmark the site. Director Zucarro stated there are ways to do this from the HPF if the owner can agree.

Mayor Pro Tem Lipton stated his concern that in the end the funding will be required from the General Fund for the project. This is the logical place to fund a project such as this.

Councilmember Keany stated a temporary location may be a good option to keep them in the Old Town Overlay before they get demolished. He would like them to stay in the Old Town Overlay so HPF funds can be used.

Councilmember Leh stated the preferable solution is to use the HPF to get the HSA done. He agreed with Mayor Pro Tem Lipton that we need a long-term plan for handling

buildings before it is an emergency each time. We need a policy for issues such as these.

Mayor Muckle asked staff to work with the property owner to use HPF funds (not General Fund) for the HSA and to determine possible next steps that would allow the use of the HPF for the relocation of the cabins and the long-term preservation of the buildings.

Mr. McClure stated the demolition stay expires in June and time is of the essence.

Attorney Light noted that HPF expenditures requires Council authorization and would require a motion. Mayor Muckle moved to authorize the expenditure of not to exceed of \$3000 from the HPF for an HSA for the cabins. Councilmember Leh seconded.

Councilmember Stolzmann asked what permit the owner has applied for. Director Zuccaro stated the owner applied for a “demolition or relocation” permit but no new building plans have been submitted.

Councilmember Loo stated she is uncomfortable bypassing the HPC to spend HPF funds.

Motion carried by unanimous roll call vote.

Councilmember Maloney asked that when the HPF extension is discussed later in the year staff should address these types of issues.

### **CITY ATTORNEY’S REPORT**

None.

### **COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

Mayor Muckle stated two applications have been submitted for the one vacancy on the Parks Board. He suggested he and Councilmember Loo review the applications and make a recommendation to the Council to fill the position. Members agreed.

Mayor Muckle noted interviews for the BRaD Committee on April 3. There are 16 applicants which could have 15-minute interviews until 10 pm or 10 minute interviews with a shorter meeting.

Councilmember Stolzmann stated her concern that neither is enough time.

Mayor Pro Tem Lipton suggested 20 minutes per candidate.

Councilmember Maloney stated 15 minutes is adequate. Members agreed to 15-minute interviews.

Councilmember Maloney reported on the impact fee committee meeting and noted that an ordinance will be coming in April for Council consideration.

Councilmember Keany stated the Sustainability Advisory Board is interested in the April 11 solid waste item and would like to comment on this.

### **ADJOURN**

Members adjourned the meeting at 9:23.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk